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NASA Procedural Requirements

NPR 3730.1A

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COMPLIANCE IS MANDATORY FOR NASA EMPLOYEES

NASA Suitability Program (Updated with Change 1)

Responsible Office: Office of the Chief Human Capital Officer

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Change History

Ch #	Date	Description/Comments
1	9/23/2019	Revised TOC and Preface (P.2b and P.5), paragraph 1.2, Chapter 2, and Appx B to reflect organizational/individual titling changes and the realignment of work resulting from the Human Capital transformation, a Mission support Future Architecture Program (MAP) initiative.

Preface

P.1 Purpose

- a. This directive supplements Office of Personnel Management (OPM) regulations and guidance, establishes procedural requirements, and assigns responsibilities for the administration of the Agency's suitability and fitness programs.
- b. Suitability and fitness determinations are based on an examination of the individual's character and conduct for appointment or continued employment with the Federal Government.

P.2 Applicability

- a. This directive is applicable at NASA Headquarters and NASA Centers, including Component Facilities and Technical and Service Support Centers.
- b. In this directive, all document citations are assumed to be the latest version, unless otherwise noted.
- c. In this directive, all mandatory actions (i.e., requirements) are denoted by statements containing the term "shall." The terms: "may" or "can" denote discretionary privilege or permission, "should" denotes a good practice and is recommended, but not required, "will" denotes expected outcome, and "are/is" denotes descriptive material.

P.3 Authority

- a. Suitability, 5 CFR pt. 731.
- b. NASA Policy Directive (NPD) 1600.2, NASA Security Policy.

P.4 Applicable Documents and Forms

- a. Information and Testimony, 5 CFR § 5.4.
- b. Career and Career-Conditional Employment, 5 CFR pt. 315.
- c. Timing of Background Investigations, 5 CFR pt. 330, subpt. M.
- d. Removal from the Senior Executive Service: Guaranteed Placement In Other Personnel Systems, 5 CFR pt. 359.
- e. Suitability, 5 CFR pt. 731.
- f. Agency Suitability Action Procedures, 5 CFR pt. 731 subpt. D.
- g. Definitions, 5 CFR § 731.101(b).
- h. Appointments Subject to Investigation, 5 CFR § 731.104.

- i. Criteria for Making Suitability Determinations, 5 CFR § 731.202.
- j. Reporting Requirements, 5 CFR § 731.206.
- k. National Security Positions, 5 CFR pt. 732.
- l. Adverse Actions, 5 CFR pt. 752.
- m. NPD 3511.1, Classification, Position Management, and Promotions.
- n. Declaration for Federal Employment, Optional Form (OF) 306.

P.5 Measurement/Verification

The Chief Human Capital Officer (CHCO) and the Human Resources (HR) Director, NSSC are responsible for conducting periodic assessments of the suitability and fitness program to ensure program compliance, efficiency, and effectiveness.

P.6 Cancellation

NPR 3730.1, NASA Suitability Program, dated June 4, 2012.

Chapter 1. Introduction

1.1 Scope

1.1.1 This directive applies to individuals being considered for employment or for appointees, defined as employees who are in their first year of Federal appointment, and employees subject to background investigations in accordance with 5 CFR § 731.104.

1.1.2 A suitability action is the cancellation of eligibility, removal, cancellation of reinstatement eligibility, or a debarment. A non-selection of an applicant, including the cancellation of eligibility for a specific position or a withdrawal of a tentative job offer is not considered a suitability action, even if it is based on the criteria for making a suitability determination.

1.1.3 A suitability or fitness determination is separate and distinct from a security clearance determination or a Homeland Security Presidential Directive (HSPD) -12 determination, which are based on the person's personal conduct or influences that could affect his or her trustworthiness and whether or not the person is an unacceptable risk to life, safety, or health to persons, assets, networks, or information, respectively. These programs are the responsibility of the Assistant Administrator (AA), Office of Protective Services (OPS).

1.1.4 Other matters relating to an employee's character or conduct are outside the scope of this directive. Consult your Human Resources advisor for further information.

1.2 Authority to Take Suitability Actions

1.2.1 The NSSC manages and administers the Agency suitability program in accordance with 5 CFR pt. 731.

1.2.2 Suitability actions are processed in accordance with 5 CFR 731, subpt. D.

1.2.3 A suitability action is not authorized for employees who have completed the first year in a position that is subject to an investigation or for applicants or appointees to positions not covered by suitability regulations. In these situations, management officials will consult HR for advice on the appropriate course of action.

1.2.4 A suitability action is not authorized for any employee who has completed the first year in a position that is subject to an investigation or for applicants or appointees to positions not covered by suitability regulations. In these situations, management officials will consult HR for advice on the appropriate course of action.

1.3 Suitability and Fitness Determinations

1.3.1 Suitability concerns an individual's character or conduct that may have an impact on the integrity or efficiency of the service. Covered positions are competitive service positions, excepted service positions that can be non-competitively converted to the competitive service, and career appointments in the Senior Executive Service (SES). Suitability determinations are made by the NSSC.

1.3.2 Fitness is a term used by the Agency to describe the examination of an individual's character or conduct that may have an impact on the integrity or efficiency of the service for positions not covered by suitability regulations, such as an excepted service position under 5 CFR pt. 302. Fitness determinations are made by the Centers, based on investigative reports completed by the NSSC.

1.3.3 As a condition of employment, applicants, appointees, and employees are subject to background investigations commensurate with the position designated risk or sensitivity level of their position in order to protect the integrity and promote the efficiency of the service, unless the person has been previously determined suitable or fit under criteria established in 5 CFR pt. 731. The completion and favorable adjudication of a background investigation to determine suitability or fitness is a prerequisite for receiving an initial appointment and maintaining employment with the Federal Government.

Note: Since Federal agency fitness determination procedures may vary, the Agency will provide for reciprocal recognition of existing investigations and favorable adjudications for fitness only when equivalent 5 CFR pt. 731 adjudicative criteria was used.

1.3.4 Determinations are to be sufficiently documented to support the decision on whether employment, or continued employment, would or would not protect the integrity or promote the efficiency of the service.

1.3.5 A new background investigation will be initiated when an employee's position requires a higher level of investigation or when new information on an employee raises fitness questions.

Chapter 2. Responsibilities

2.1 The CHCMO

2.1.1 The CHCO or designee shall:

- a. Ensure that the Agency suitability and fitness programs comply with applicable laws and regulations.
- b. Establish policy and provide program oversight of the Agency suitability and fitness programs.

2.2 Center HR Directors

2.2.1 HR Directors (or designees) shall:

- a. Advise supervisors on determining position risk and sensitivity designations and on matters related to suitability or fitness.
- b. Ensure any waivers of pre-appointment investigative requirements in sensitive national security positions are only made for a limited time consistent with 5 CFR pt. 732.
- c. Adjudicate fitness determinations based on fair and objective analysis of available information about a person's conduct or character, based on the criteria in 5 CFR § 731.202.
- d. Upon receipt of an unfavorable suitability determination on an applicant or appointee, take appropriate action to cancel eligibility and deny employment.
- e. In coordination with the NSSC, upon receipt of an unfavorable suitability determination on an employee or based on an unfavorable fitness determination, advise supervisor on appropriate course of action in accordance with OPM regulations at 5 CFR pts. 315, 359, or 752.

2.3 Assistant Administrator, Office of Protective Services (AA, OPS)

2.3.1 The AA, OPS shall:

- a. Approve waivers of the pre-appointment investigative requirement for an emergency appointment or reassignment to a Critical Sensitive or Non-Critical Sensitive position prior to completion of the required pre-appointment investigation only when clear justification exists to warrant the waiver.
- b. Complete both national security determinations and favorable suitability determinations for all new hires designated to a sensitive position. Notify the NSSC for further action when an unfavorable determination is made. This notification is accomplished on behalf of the AA, OPS by the Agency Central Adjudication Facility.
- c. Coordinates with HR when action is necessary, based on an unfavorable security determination, for example a negative HSPD-12 determination.

2.4 HR Director, NSSC

2.4.1 The HR Director, NSSC or designee shall:

- a. Appoint an Agency Suitability Program Manager.
- b. Approve or disapprove all proposed and final Agency or Government-wide debarments; decide on the duration of any period of the debarment.
- c. Establish procedural requirements and providing authoritative guidance on the Agency suitability and fitness programs.
- d. Establish requirements and criteria for adjudicating fitness determinations for positions not covered by the suitability program.
- e. Adjudicate suitability determinations for persons considered for or appointed to covered positions.
- f. Implement procedures that ensure personnel investigations are initiated, suitability adjudications are made, and resulting actions are reported in accordance with prescribed OPM guidelines and timeframes.
- g. Process personnel actions for covered positions associated with recruitment, hiring, or position changes (including details to an unclassified set of duties) with the appropriate position risk and sensitivity designation.
- h. Initiate a new background investigation when an employee's position requires a higher level of investigation or when new information on an employee raises suitability or fitness questions.
- i. Conduct investigations for positions not covered by the suitability program using criteria set forth in 5 CFR § 731.202. Provide investigative reports to Centers for the purpose of making fitness determinations for persons being considered or appointed to positions not covered by suitability regulations.
- j. Collaborate with the servicing HR Office and OPS throughout the process when there is evidence of a potential issue(s) that may lead to a negative suitability determination.
- k. Ensure suitability adjudicators have the required level of background investigation and have successfully completed OPM training requirements and record such training in their official training record.
- l. Make suitability determinations for covered positions in accordance with OPM adjudicative regulations and guidance and this directive no later than 90 calendar days after receipt of OPM's report of investigation.
- m. Advise HR specialists on position risk designations, suitability determinations, and other personnel suitability and fitness matters.
- n. Coordinate with Center OPS personnel to ensure that required pre-appointment investigation requirements are met.
- o. Forward requests to OPM for approval to obtain information about the suitability or background of applicants earlier in the hiring process, in accordance with 5 CFR pt. 330, subpt. M.

- p. Report suitability determinations and actions and any cases that involve a material, intentional false statement in examination or appointment, or deception or fraud in examination or appointment; or refusal to furnish testimony through the CHCO to OPM, as required by 5 CFR § 5.4.
- q. Complete reporting requirements in accordance with 5 CFR 731.206.

2.5 Agency Recruitment System Program Manager

2.5.1 The Agency recruitment systems program manager shall enforce approved debarment actions by:

- a. Notifying the Resume Operations Center (ROC) of Agency-wide debarments.
- b. Notifying the servicing HR staff and recruitment system super users of Agency-wide debarments.
- c. Ensuring that all future applications received from the debarred individual remain "inactive" in the Agency staffing and recruitment system for the debarment period.

2.6 Supervisors

2.6.1 Supervisors shall:

- a. Determine, in coordination with the servicing HR Office and OPS, the position risk and sensitivity designations for each position.
- b. Document the position risk and sensitivity designation in the Agency electronic Position Description System (e-PDS) using the OPM Position Designation Tool.
- c. Ensure position risk and sensitivity designations are accurate; notify HR promptly when any change to the duties of the position may impact the designation or when the current designation appears to be incorrect.
- d. Ensure employees are only assigned tasks that match the position risk and sensitivity designation of the position description.
- e. Conduct pre-employment checks on applicants not subject to background investigations in accordance with paragraph 3.3 of this directive. Pre-employment checks are used for the purposes of making an objective evaluation of an applicant's past performance and verifying the accuracy of information provided by the job applicant, based on information collected by individuals (e.g., current/past supervisors, peers, and subordinates) who know or have known and worked with the applicant.
- f. Assist HR, OPS, or the NSSC in the adjudication of any issues identified as a part of an employee investigation and take appropriate action when a negative suitability or fitness determination is made.
- g. Upon receipt of an employee's unfavorable suitability or fitness determination, consult with HR and take appropriate action.

2.7 Applicants and Appointees

2.7.1 Applicants and appointees shall: Complete and submit required investigative forms and any additional information, as requested, within established timeframes.

Chapter 3. Background Investigations

3.1 Appointments Subject to Background Investigations for Suitability Determinations

3.1.1 Positions covered by suitability regulations as defined in 5 CFR § 731.101(b) require a background investigation by the Agency, unless specifically excluded under 5 CFR § 731.104(a).

3.1.2 A majority of civil service positions in the Agency are covered positions, which consist of competitive service positions, career appointments in the Senior Executive Service, and excepted service positions that can be non-competitively converted to the competitive service.

3.2 Appointments Subject to Background Investigations for Fitness Determinations

3.2.1 Positions not covered by suitability regulations, e.g., an excepted service position covered by 5 CFR pt. 302, require background investigations to determine fitness for employment.

3.2.2 The Center's designated adjudicator or deciding official shall use the criteria found in 5 CFR § 731.202 when making fitness determinations. Exceptions under 5 CFR § 731.104 apply.

3.2.3 A fitness determination will be made in accordance with 5 CFR pt. 731.

3.3 Appointments Not Subject to Background Investigations

OPM regulations require pre-employment checks to validate an applicant's credentials and general suitability for Federal employment for positions that are not subject to any background investigation (e.g., temporary positions not to exceed 180 days). To meet this requirement, supervisors will conduct pre-employment reference checks. Additionally, the servicing HR Office will review available relevant personnel information, including a review of the applicant's OF 306.

Chapter 4. Position Risk and Sensitivity Designations

4.1 Position Risk Designation

The position risk designation is a determination of a position's potential for adverse impact to the efficiency or integrity of the service or national security. A position may be determined to be low, moderate, or high risk.

4.2 Position Sensitivity Designation

The position sensitivity designation is assigned based on the need of the incumbent to access national security information. A position may be designated at the non-critical sensitive, critical-sensitive, or special-sensitive level.

4.3 Position Risk and Sensitivity Designation Determination

4.3.1 The position risk and sensitivity designations together determine the level of background investigation required for the incumbent to hold the position.

4.3.2 Position sensitivity and risk level are based on the documented duties and responsibilities of the position. If an employee's duties overlap into a higher or lower risk or sensitivity level, the position risk and sensitivity designation is set at the highest level.

4.3.3 Position risk and sensitivity designations for existing positions may be reevaluated at any time; however, at a minimum, designations will be reviewed when supervisors review and recertify position descriptions, as directed by NPD 3511.1.

4.3.4 The position risk and sensitivity designation is documented in the Agency electronic Position Description System (e-PDS) using the OPM Position Designation Tool.

Appendix A. Definitions

Appointee. A person who has entered on duty and is in the first year of a subject-to-investigation appointment.

Covered position. A position in the competitive service, a position in the excepted service where the incumbent can be noncompetitively converted to the competitive service, and a career appointment to a position in the Senior Executive Service.

Critical-Sensitive Position. A position's designation for national security risk for positions which have the potential to cause exceptionally grave damage to the national security.

Debarment. The denial of a person to apply or be appointed to an Agency position due to an unfavorable suitability determination.

Employee. For the purposes of this directive, employee means a person who has completed the first year of their appointment in a position that is subject to an investigation.

Fitness. For the purposes of this directive, fitness concerns an individual's character or conduct that may have an impact on the integrity or efficiency of the service for positions not covered by suitability regulations.

High-Risk Positions. Positions that have the potential for exceptionally serious impact involving duties especially critical to the Agency or a program mission with broad scope of policy or program authority.

Low-Risk Positions. Positions that involve duties and responsibilities of limited relation to program missions, with the potential for limited impact on the integrity or efficiency of the service. Positions designated at the Low-Risk level are not considered Public Trust positions.

Moderate-Risk Positions. Positions that have the potential for moderate-to-serious impact involving duties of considerable importance to the Agency or a program mission with significant program responsibilities and delivery of customer services to the public.

Noncritical-Sensitive Position. A position's designation for national security risk for positions which have the potential to cause significant or serious damage to national security.

Pre-Employment Checks. Also referred to as reference checks, used for the purposes of making an objective evaluation of an applicant's past job performance, based on information collected from individuals, such as past or current supervisors, peers, and subordinates who have known and worked with the applicant. Pre-employment checks are primarily used to verify the accuracy of information provided by the job applicant; predict the success of a job applicant by comparing their experience to the competencies required by the job; and to uncover background information that may have not been identified by the selection process.

Position Risk Designation. A determination of a particular position's potential for adverse impact to the efficiency or integrity of the service. A position may be determined to be Low, Moderate, or High Risk.

Position Sensitivity Designation. A determination based on the need of the incumbent to access National Security Information. A position may be designated at the non-critical sensitive,

critical-sensitive, or special-sensitive level.

Suitability. Suitability concerns an individual's character or conduct that may have an impact on the integrity or efficiency of the service for covered positions, which consist of competitive service positions, excepted service positions that can be non-competitively converted to the competitive service, and career appointments in the Senior Executive Service (SES).

Unclassified Set of Duties. A set of duties and responsibilities that have not been officially classified for the purposes of assigning a title, series, and grade level.

Appendix B. Acronyms

CHCO	Chief Human Capital Officer
CFR	Code of Federal Regulations
e-PDS	Electronic-Position Description System
HR	Human Resources
HSPD	Homeland Security Presidential Directive
NPD	NASA Policy Directive
NPR	NASA Procedural Requirements
NSSC	NASA Shared Services Center
OF	Optional Form
OPM	Office of Personnel Management
OPS	Office of Protective Services
ROC	Resume Operations Center
SES	Senior Executive Service